

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PRABHU RAMAMOORTHY,

Defendant.

2:18-CR-20027-TGB

**ORDER REQUIRING
SUPPLEMENTAL HEARING
AND DIRECTING PARTIES
TO MEET AND CONFER**

Defendant Prabhu Ramamoorthy has filed a petition under 28 U.S.C. § 2255 seeking to vacate his conviction after a jury trial. ECF No. 93. He claims one deficiency of his conviction is that his trial counsel, James Amberg, “offered no advice regarding the desirability of the plea” which had been proposed by the Government prior to his trial. ECF No. 93, PageID.2123.

The Court held an evidentiary hearing to assess the merits of Mr. Ramamoorthy’s claim on March 12, 2021. At the hearing, Mr. Amberg testified that he did offer advice to Mr. Ramamoorthy regarding the plea deal. He specifically stated that on the day of the final pretrial conference, he went over the plea agreement in the presence of Mr. Ramamoorthy, his interpreter, and attorney Victor Mansour, who was acting as co-counsel on the case. Mr. Ramamoorthy testified that the meeting occurred, but that he did not see the plea agreement or discuss it there,

and that in fact he never received a copy of the plea agreement until his current counsel sent him one in January 2021.

In light of the factual dispute between Mr. Amberg and Defendant Mr. Ramamoorthy, the Court finds that supplementing the record with the testimony of Mr. Mansour regarding this factual dispute will enable a more thorough analysis of Defendant's claims. *See Turner v. United States*, 183 F.3d 474, 477 (6th Cir. 1999).

WHEREFORE, it is **HEREBY ORDERED** that Attorney Victor Mansour shall appear at an evidentiary hearing on this matter. Counsel for the Government and counsel for Defendant shall meet and confer to discuss whether any issues of attorney-client privilege must be waived in order to permit this testimony and, if they agree it is necessary, submit a stipulated order waiving such privilege prior to the hearing. Counsel shall contact Case Manager Amanda Chubb within ten (10) days of the date of this Order to schedule a supplemental hearing.

SO ORDERED, this 3rd day of May, 2021.

BY THE COURT:

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE